

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHN P. MALLOY,)	
)	
Plaintiff,)	CIVIL ACTION NO. 06-1714
)	
v.)	
)	
MICHAEL J. ASTRUE,)	JUDGE JOY FLOWERS CONTI
Commissioner of Social)	MAGISTRATE JUDGE CAIAZZA
Security,)	
)	
Defendant.)	
)	

MEMORANDUM ORDER

On January 10, 2007, this case was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636 (b) (1) (A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On July 31, 2007 the magistrate judge issued a Report and Recommendation (Doc. 12) recommending that the District Court deny the Defendant's Motion for Summary Judgment (Doc. 10), and Malloy's Motion for Summary Judgment (Doc. 8). The magistrate judge further recommended that this matter be remanded to the Commissioner with instructions proceed expeditiously to supplement the record, hold a new hearing, and issue a decision properly analyzing the evidence of record. Service of the Report

and Recommendation was made on all parties and no objections have been filed. After a review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 31st day of August 2007, IT IS HEREBY ORDERED that the Defendant's Motion for Summary Judgment (Doc. 10) is **DENIED**, and that the Claimant Malloy's Motion for Summary Judgment (Doc. 13) is also **DENIED**. The clerk is directed to remand this matter to the Commissioner forthwith, with directions that the ALJ act expeditiously to supplement the record, hold a new hearing, and issue a decision properly analyzing the evidence of record.

The Report and Recommendation of Magistrate Judge Caiazza (Doc. 12) dated July 31, 2007, is hereby adopted as the opinion of the court.

/s/Joy Flowers Conti
Joy Flowers Conti
U. S. District Judge

cc:

Francis X. Caiazza
United States Magistrate Judge

Attorneys of Record
Via Electronic Mail_____